

BEFORE THE
COMMISSION ON STATE MANDATES

Claim of:

City of Piedmont
Claimant

No. CSM-4291

Chapter 1334, Statutes of 1987
CPR Pocket Masks

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on February 25, 1988, in Sacramento, California, during a regularly scheduled hearing.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific legislative appropriation for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS AND CONCLUSIONS

1. The test claim was filed with the Commission on State Mandates on December 2, 1987, by the City of Piedmont.
2. The subject of the claim is Chapter 1334, Statutes of 1987.

3. Chapter 1334, Statutes of 1987 added Section 13518.1 to the Penal Code to require every law enforcement agency employing peace officers, as described, to provide each peace officer with a portable manual mask and airway assembly designed to prevent the spread of communicable diseases when applying cardiopulmonary resuscitation.

Chapter 1334, Statutes of 1987 amended Section 13518 of the Penal Code to require every such law enforcement agency to provide each peace officer with training in the use of an appropriate portable manual mask and airway assembly.

4. A new program is now required of local law enforcement agencies by Chapter 1334, Statutes of 1987.
5. Government Code Section 17514 defines the term "**costs** mandated by the **state**" as "any increased costs which a local agency . . . is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, . . . which mandates a new program . . . within the meaning of Section 6 of Article XIII B of the California Constitution."
6. The City of Piedmont has demonstrated that it has incurred increased costs which are costs mandated by the state.
7. None of the requisites for denying a claim, specified in Government Code Section 17556, subdivision (a), were established.

III.

DETERMINATION OF ISSUES

1. The Commission has the authority to decide this claim under the provisions of Government Code Section 17551.
2. Chapter 1334, Statutes of 1987 imposed a reimbursable state mandate upon local law enforcement agencies. The City of Piedmont has established that this statute imposed a new program by requiring a local law enforcement agency to provide to each peace officer a portable manual mask and airway assembly designed to prevent the spread of communicable diseases when applying cardiopulmonary resuscitation.
3. The training of in-service officers in the use of portable masks can be accommodated by local law enforcement agencies within existing departmental training programs which all peace officers are presently required to periodically complete. Additionally, new peace officers' training on the portable masks is included in the First Aid/CPR curriculum for basic training academies. Therefore, Chapter 1334, Statutes of 1987 does not impose a reimbursable state mandate because there are no increased costs to local law enforcement agencies for training in the use of the CPR pocket masks.